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09/461,822	12/15/1999	BRANDON A. GROOTERS	99-1228	4331

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GATEWAY, INC.  
ATTN: SCOTT CHARLES RICHARDSON  
610 GATEWAY DR., Y-04  
N. SIOUX CITY, SD 57049

EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 06/07/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/461,822

Applicant(s)

GROOTERS, BRANDON A.

Examiner

Thomas K Pham

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12-20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-20 and 22-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. This action is in response to request for re-consideration filed on 3/15/2004
2. Claims 1-4, 6-10, 12-20 and 22-27 have been considered but they are not persuasive.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-10, 12 and 23-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Levine U.S. Patent No. 5,692,214 in view of Ellis et al U.S. Patent No. 5,986,650 (hereinafter Ellis).

**Regarding claim 1**

Levine teaches a method, comprising: associating the application with an event (col. 3 lines 49-53, "The program requires ... a week or month"); while receiving information from a selected information source, monitoring event related information for an occurrence of the event (col. 3 lines 62-64, "The head end database ... for that service"); and upon an occurrence of the event, causing an operation of the application to be executed (col. 3 line 67 to col. 4 line 4, "Alternatively, the personal ... the personal computer 18") but does not teach registering an application with an electronic program guide. However, Ellis teaches downloading an application software with an electronic program guide (col. 6 lines 7-11, "When power is first ...

Art Unit: 2121

download of the software”). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the downloading an application with the Electronic Program Guide of Ellis with the system of Levine because it would provide for executing the application software in order to process program schedule information from various service provider.

**Regarding claim 2**

Levine teaches the event being a predetermined time relative to a program, and said monitoring step including monitoring of the time to determine when the predetermined time occurs (col. 4 lines 9-14, “Through use of a ... with the listing”).

**Regarding claim 3**

Levine teaches launching the application upon an occurrence of the event (col. 4 lines 22-27, “The microprocessor 37 ... at the start time”).

**Regarding claim 4**

Levine teaches stopping the application upon an occurrence of the event (col. 4 lines 27-30, “A similar signal ... in the on state”).

**Regarding claim 6**

Ellis teaches determining event related information based upon electronic program guide data for the received information (col. 4 lines 62-67, “The data provider ... operator’s geographical market”).

**Regarding claim 7**

Levine teaches a program of instruction storable on an information storage medium for causing an information handling system to execute steps for causing the operation of an application to occur (col. 1 line 61 to col. 2 line 4, “the implementation of the ... associated cable box”), the

Art Unit: 2121

steps comprising: associating the application with an event (col. 3 lines 49-53, "The program requires ... a week or month"); while receiving information from a selected information source, monitoring event related information for an occurrence of the event (col. 3 lines 62-64, "The head end ... for that service"); and upon an occurrence of the event, causing an operation of the application to be executed (col. 3 line 67 to col. 4 line 4, "Alternatively, the personal ... personal computer 18") but does not teach registering an application with an electronic program guide. However, Ellis teaches downloading application software with an electronic program guide (col. 6 lines 7-11, "When power is first ... download of the software"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the downloading an application with the Electronic Program Guide of Ellis with the system of Levine because it would provide for executing the application software in order to process program schedule information from various service provider.

**Regarding claim 8**

Levine teaches the event being a predetermined time relative to a program, and said monitoring step including monitoring of the time to determine when the predetermined time occurs (col. 4 lines 9-14, "Through use of a ... with the listing").

**Regarding claim 9**

Levine teaches launching the application upon an occurrence of the event (col. 4 lines 22-27, "The microprocessor ... at the start time").

**Regarding claim 10**

Levine teaches stopping the application upon an occurrence of the event (col. 4 lines 27-30, "A similar signal ... in the on state").

Art Unit: 2121

**Regarding claim 12**

Ellis teaches determining event related information based upon electronic program guide data for the received information (col. 4 lines 62-67, "The data provider ... operator's geographical market").

**Regarding claim 23**

Levine teaches a program of instructions storable on an information storage medium for causing an information handling system to execute steps for causing the operation of an application to occur, the steps comprising: associating one of the registered applications with an event (col. 3 lines 49-53, "The program requires ... a week or month"); selecting an information source (col. 3 lines 58-62, "This information may be ... cable service provider"); receiving information from the information source (col. 3 line 64 to col. 4 line 4, "The operator of the ... the personal computer 18"); determining an event time (col. 4 lines 22-27, "The microprocessor ... at the start time"); and upon the occurrence of the event time, causing an operation of the one of the registered applications to occur (col. 4 lines 40-47, "At the time ... appropriate channel") but does not teach determining applications registered with an electronic program guide. However, Ellis teaches determining if the application software exists in an electronic program guide before decide to download an application software with an electronic program guide (col. 6 lines 7-11, "When power is first ... download of the software"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the downloading an application with the Electronic Program Guide of Ellis with the system of Levine because it would provide for executing the application software in order to process program schedule information from various service provider.

Art Unit: 2121

**Regarding claim 24**

Levine teaches monitoring time between the steps of determining an event time and causing an operation (col. 4 lines 22-27, “The microprocessor ... at the start time”).

**Regarding claim 25**

Levine teaches monitoring information between the steps of determining an event time and causing an operation (col. 4 lines 40-45, “At the time ... initiates the recording”).

**Regarding claim 26**

Levine teaches the operation caused is launching of the application (col. 4 lines 40-47, “At the time ... tune to the appropriate channel”).

**Regarding claim 27**

Levine teaches the operation caused is a stopping of the application (col. 4 lines 27-30, “A similar signal ... in the on state”).

5. Claim 13-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. U.S. Patent No. 5,585,838 (hereinafter Lawler) in view of Ellis.

**Regarding claim 13**

Lawler teaches an apparatus providing an electronic program guide, comprising: means for receiving information from one or more information sources, the one or more information sources consisting of air transmitted television, cable television, satellite television, world-wide network, and internal storage medium, the means for receiving selecting one of the one or more information sources (col. 5 lines 46-53, “the conventional analog ... combination of these technologies”); means for storing programming information related to information capable of

Art Unit: 2121

being received from the one or more information sources (col. 6 lines 7-16, “The electronic program guide ... of other information”); means for monitoring for the occurrence of a predetermined event related to information received from the selected one of the one or more information sources (col. 6 lines 8-11, “the program schedule ... at a given time”) but does not teach the means responsive to the occurrence of the predetermined event for implementing an operation of an application register with an electronic program guide. However, Ellis teaches determining if the application software exists in an electronic program guide before decide to download an application software with an electronic program guide (col. 6 lines 7-11, “When power is first ... download of the software”). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the downloading an application with the Electronic Program Guide of Ellis with the system of Lawler because it would provide for executing the application software in order to process program schedule information from various service provider.

**Regarding claim 14**

Lawler teaches providing a timing reference to said monitoring means (col. 8 lines 21-24, “The screen 46 ... shown in FIG. 3”).

**Regarding claim 15**

Lawler does not specifically show an apparatus further comprising means for storing registry information regarding the application. “Official Notice” is taken that both the concept and advantages of providing for storing registry information regarding the application is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include storing the application information in a registry to Lawler because it would provide for



Art Unit: 2121

organizing and tracking different applications are currently running internally within a computer system.

**Regarding claim 16**

Lawler teaches receiving means being an information handling system capable of receiving the information and displaying the information on a display (col. 8 lines 25-26, “The interactive station ... on the video display 20”).

**Regarding claim 17**

Lawler teaches an apparatus as claimed in claim 13, said storing means being an electronic program guide database (col. 6 lines 7-8, “The electronic program guide ... schedule information”).

**Regarding claim 18**

Lawler teaches monitoring means being an electronic program guide capable of being executed on an information handling system (col. 7 lines 15-19, “The interactive station ... station controller 18”).

**Regarding claim 19**

Lawler teaches implementing means being an electronic program guide capable of being executed on an information handling system (col. 5 lines 20-30, “The interactive viewing ... television programs”).

**Regarding claim 20**

Lawler teaches a timer circuit for providing a timing reference to said monitoring means (col. 13 lines 48-52, “turning to a ... assigned to that channel”).

**Regarding claim 22**

Art Unit: 2121

Lawler teaches information is monitored (col. 8 lines 21-24, "The screen 46 of ... in FIG. 3").

***Response to Arguments***

In the remark the applicant argues that cited reference fails to disclose:

- I) "Registering an application with the EPG" as to claims 1, 7, 13 and 23.
- II) "monitoring for a predetermined time which is relative to the program" as to claims 2 and 8.
- III) "determined the event related information based on program guide data for the received information" as to claims 6 and 12.
- IV) "means for providing a timing reference to said monitoring means such as by coupling a timing device as part of an apparatus providing the EPG" as to claims 14 and 20.
- V) supporting reference for the "Official Notice" is taken in claim 15 that "storing registry information" is well known and expected in the art.

In response to applicant's argument,

- I) It is noted that the features upon which applicant relies (i.e., registering the application by linking an application which needs to be starting or stopping with respect to the EPG data and associating the application with an event) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The limitation "Registering an application with the EPG" to one of ordinary skill in the art is similar to "downloading" or "installing" an application with "the EPG" as described by Ellis whether or

Art Unit: 2121

not it occurred when the system powering-up. Therefore, it is clear that the limitations are met by the reference.

II) It is noted that Levine teaches (column 4 lines 22-25, "The microprocessor 37 continually compares the present time signal from the clock 39 with the start time of the programs to be recorded as stored in the memory 35") and (column 4 lines 1-4, "a program in which the system automatically communicates with the schedule source 40 at predetermined periods, ... , to update the schedule stored in the personal computer 18"). Thus, it is clear that the programs information was periodically monitored and captured the program schedule from a scheduling source 40 to update the PC local memory. Therefore, limitations are met by the reference.

III) Prior art (Ellis et al.) teaches (column 4 lines 56-59, "The data stream may contain, for example, information about programs or services available in a particular market, geographical or otherwise"). Thus, it is clear that the program determined a service for a particular geographical market must be related in a way that is uniquely to that particular market and only related to that market not other markets. Therefore, limitations are met by the reference.

IV) Prior art (Lawler et al.) teaches (column 13 lines 48-50, "turning to a designated channel may involve tuning a timer to receive a signal assigned to that channel"). Therefore, Lawler provides a timing preference to receive the signal from the program time guide in order to activate a future program in the schedule of programs by the timer. Therefore, limitations are met by the reference.

V) The fact that "storing registry information" is well known and expected in the art is supported by Shteyn U.S. Patent No. 6,199,136. Shteyn discloses in column 3 lines 4-7 that a "Registry" is storing information to be use by the applications associated with devices of a HAVi network in

Art Unit: 2121

which the EPG is one of the devices within the network. Therefore, it is clear that the limitations are met by the reference.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874. The examiner can normally be reached on Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor, *Mr. Anthony Knight*, can be reached on (703) 308-3179.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Thomas Pham**  
*Patent Examiner*

TP

May 24, 2004

  
**Anthony Knight**  
**Supervisory Patent Examiner**  
**Group 3600**